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IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH JAIPUR.

J U D G M E N T

D.B. CIVIL SPECIAL APPEAL (WRIT) NO.251/2006.

Ram Gopal and ors.
Vs.
Panni Devi and ors.

Date of Order:- August 2 2007.

HON'BLE THE ACTING CHIEF JUSTICE MR.J.M. PANCHAL
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Dr. P.C. Jain for the appellants.

The instant appeal is directed against the order dated May 4, 2004 rendered by the learned Single Judge in S.B. Civil Writ Petition No.6386/2003 by which the order dated May 28, 2003 rendered by the trial court refusing to initiate contempt proceedings against the respondents and status-quo ante, is confirmed.

2) In the pending suit, trial court vide order dated September 29, 1994 directed the parties to maintain status-quo regarding the suit. The case of the appellant was that

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respondents made material alterations in the property. Therefore, he filed an application under Section 151 of the Code of Civil Procedure, 1908 with a prayer to initiate contempt proceedings against the respondents and to restore the status-quo. The trial court found that what was the state of affairs prior to September 29, 1994 was not brought on record whereas, report of the Commissioner dated December 26, 1994 indicated the state of affairs on that day. Further, the trial court noticed that report dated December 26, 1994 did not indicate that material changes were effected in the property. Under the circumstances, the trial court dismissed the application filed by the appellant prior to May 28, 2003.

3) Feeling aggrieved, appellant invoked extraordinary jurisdiction of this Court under Article 226 of the Constitution of India by filing above numbered petition. The petition is rejected by the learned Single Judge which has

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given rise to the instant appeal.

4) This Court has heard learned counsel for the appellant.

5) In view of the concurrent finding of fact, this Court is of the view that no case is made out by the appellant to interfere with the impugned-order and, therefore, the appeal deserves to be dismissed summarily.

6) Learned counsel for the appellant has drawn the attention of the court to the fact that inspite of the direction given by the learned Single Judge, the suit is not disposed of within the time stipulated in the order dated May 4, 2004.

7) In view of the statement made at the bar, the trial court is directed to dispose of the suit as early as possible and preferably within three months from the date of receipt of

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copy of the order.

Subject to above referred to directions,
the appeal is summarily dismissed.

(MOHAMMAD RAFIQ), J.

(J.M. PANCHAL), Actg. CJ.

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